

Marybeth Nuutinen, Individually and as special administrator of the Estate of Charles H. Nuutinen, Deceased, Plaintiff, v. CBS Corporation, et al., Defendants	E.D. WI (Milwaukee) Case No. 97-CV-678
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Moreover, CBS was subject to a pre-trial scheduling order that directed the parties to file all potentially dispositive motions, including motions in limine that could have a case- dispositive effect, before the MDL court. As Magistrate Judge Crocker noted in a remanded case from the same MDL court, the “entire point of transferring this case to the MDL court was for ‘consolidated and coordinated pretrial proceedings.’ . . . [T]he purposes of this transfer or ‘centralization’ process are to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary.” ECF No. 100-9, *Bushmaker v. Chesterton*, No. 09-cv-726-slc (W.D. Wis. Nov. 21, 2012), Order at 4 (citing MDL court’s website, <http://www.jpml.uscourts.gov/panel-info/overview-panel>). Revisiting the MDL court’s rulings or excusing a party’s non-compliance with the MDL court’s scheduling orders would undermine these goals.

(Ex 4 at 1-2.)

John Crane Inc.’s motion to dismiss is also untimely under the scheduling order in the MDL-875. Federal Rule of Civil Procedure 16 requires a showing of “good cause” to permit the changing of scheduling order deadlines. *Alioto v. Town of Lisbon*, 651 F.3d 715 (7th Cir. 2011). Defendant did not seek leave with Judge Robreno to modify the scheduling order to allow a motion to dismiss. Defendant also has not made a motion or provided good cause for this Court to change the scheduling order of another Judge. See *Alioto*, 651 F.3d at 719 (referencing the “heightened good cause standard of Rule 16(b)(4)”).

Relief Sought

For the reasons above this court should strike John Crane Inc.’s dispositive motion as untimely and in conflict with the MDL-875 scheduling order.

Dated: April 8, 2015

/s/ Robert G. McCoy
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